

## **REMARKS**

### **I. Introduction**

This amendment is in response to the Final Office Action dated January 4, 2011.

Claims 1, 27, 28 and 29 are amended herein. Support for amendments may be found at least in paras. [11] and [91] of the specification. No new matter is added.

Claims 1 to 3, 5 to 8, 10 to 24 and 26 to 29 will be pending upon entry of this Amendment.

### **II. 102(a) Rejection of Claims 1-3, 7-8, 11-13, 27-29**

The Office Action rejects claims 1-3, 7-8, 11-13, 27-29 under 35 U.S.C. 102(a) as being allegedly anticipated by U.S. Publication No. 2003/0036875 Peck *et al.* ("*Peck*").

Amended independent claim 1 recites, in part, "automatically enforcing, via a wizard at the information device, user compliance with a plurality of predetermined steps for a computer-assisted configuration of the network interface device, wherein the computer-assisted configuration is an OSI transport layer or above." Independent claims 27-29 have been amended to include similar features. Applicants have amended claim 1 solely to clarify that the computer-assisted configuration is an OSI transport layer or above, as the Examiner indicated the previously recited "relating to" language was unclear. Applicants respectfully submit that this amendment does not introduce new issues as the Examiner has clearly reviewed and understands this language, and has considered this feature in view of the prior art. In particular, the

Examiner makes the distinction between whether the computer-assisted configuration uses an OSI transport layer or above or if the computer-assisted configuration is an OSI transport layer or above. It is submitted that *Peck* neither discloses nor suggests at least the feature, "wherein the computer-assisted configuration is an OSI transport layer or above," in addition to other features, recited in claim 1.

While *Peck* describes a method and system for online configuration of a measurement system, that may use the internet, nowhere in *Peck* is there any indication that *Peck* is using an OSI model for computer networking. Contrary to the assertion in the Office Action that "using an OSI transport layer or above is disclosed with the use of the Internet connection that is well known to use TCP/IP," the OSI Reference model is not the same as the TCP/IP Reference Model. The OSI model is a set of protocols which govern the various aspects of networking, while the TCP/IP reference model is protocols regarding the basic communication language of the internet. Further, *Peck* does not disclose using an OSI model, or even suggest which protocol/model they are using to exchange information. While OSI is well defined industrial Ethernet communication technology for computer networking, a lot of Ethernet packets are sent using other protocols without using any defined standard, or the OSI communication model, in particular. Further, the presently claimed invention is not merely providing computer-assisted configuration using an OSI transport layer or above, but rather provides computer-assisted configuration of an OSI transport layer or above.

Applicants further respectfully submit that while paragraph [0157] of *Peck* discloses a user providing an IP address of the measurement device being configured, this is not the same as "receiving a setting of a logical position of the network interface device relative to the programmable logic controller," as presently claimed. While the claimed logical position is similar to an IP address

in that the logical position includes a sequential identification, the logical position is a placement relative to other elements, such as the programmable logic controller, as claimed. The position determines some of the parameters necessary for successful communication. Unlike the IP address which is a set number for a particular device, the logical position can change as it is relative to other elements. As described in Applicants' specification, "receiving the logical position of the network interface device can allow the wizard to properly communicate the logical position to, for example, the PLC. Receiving the logical position of the network interface device can allow the PLC and/or the information device to use and communicate with the network interface device. Using the logical position setting can allow the information device to, for example, provide and/or receive an identification moniker for the network interface device." See, e.g. para. [94] of Applicants' specification. Further, unlike *Peck* which describes the user providing the IP address, in some embodiments of the presently claimed invention, the wizard can search for the setting without user interaction. See, e.g. para. [97] of Applicant's specification.

Based upon the foregoing, it is submitted that *Peck* neither discloses nor suggests all of the features recited in independent claims 1, 27, 28 and 29. As claims 2-3, 7-8 and 11-13 depend from, and incorporate the features of, claim 1, it is further submitted that claims 2-3, 7-8 and 11-13 are patentable over the cited prior art for at least the reason they depend from allowable independent claims.

### **III. 103(a) Rejection of Claims 5-6 and 10**

Claims 5-6 and 10 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Peck* in view of U.S. Patent No. 5,983,269 Mattson *et al.* ("*Mattson*").

Regarding the rejection of claims 5-6 and 10, as described above, *Peck* neither discloses nor suggests all of the features recited in claim 1, the base claims from which claims 5-6 and 10 depend. Applicants respectfully submit that *Mattson* does not cure the deficiencies of the *Peck* reference. As claims 5-6 and 10 depend from, and incorporate the features of, claim 1, it is submitted that claims 5-6 and 10 are patentable over the references for at least the same reasons that claim 1 is patentable. Accordingly, withdrawal of the 103 rejections of the pending claims is respectfully requested.

#### **IV. 103(a) Rejection of Claims 14-26**

Claims 14-26 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Peck* in view of U.S. Patent No. 6,502,234 Gauthier *et al.* ("*Gauthier*").

Regarding the rejection of claims 14-26, as described above, *Peck* neither discloses nor suggests all of the features recited in claim 1, the base claims from which claims 14-26 depend. Applicants respectfully submit that *Gauthier* does not cure the deficiencies of the *Peck* reference. As claims 14-26 depend from, and incorporate the features of, claim 1, it is submitted that claims 14-26 are patentable over the references for at least the same reasons that claim 1 is patentable. Accordingly, withdrawal of the 103 rejections of the pending claims is respectfully requested.

**V. Conclusion**

The Applicants believe all pending claims are in condition for allowance, and respectfully request reconsideration and allowance of the same.

If any additional time is required, please accept this paragraph as a request for such an Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 19-2179. Please charge any required new claim fees to Deposit Account No. 19-2179. If any other fees are required, please charge Deposit Account No. 19-2179. The Applicants encourage the Examiner to telephone Applicants' attorney should any issues remain.

Respectfully submitted,

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